

1 *Nakatani*, 342 F.3d 934, 945 (9th Cir. 2003). Defendants have not made this showing and
2 the Court will not reconsider its ruling that Plaintiffs are entitled to fees.

3 Defendants note in their response that Plaintiffs' motion fails to comply with Local
4 Rule 54.2, which provides procedures and requirements for an attorneys' fees application.
5 Dkt. #45. Plaintiffs attempt to comply with Rule 54.2 in their reply memorandum, including
6 for the first time substantial new evidence and a request for \$46,695 in fees and costs, a
7 remarkable nine-fold increase from their original request. Dkt. #47. The Court will not
8 consider evidence or arguments raised for the first time in a reply brief. *See, e.g., Yount v.*
9 *Regent Univ., Inc.*, 2009 WL 995596, *8 n.5 (D. Ariz. 2009); *Gadda v. State Bar of Cal.*, 511
10 F.3d 933, 937 n.2 (9th Cir. 2007).

11 Plaintiffs' motion seeks \$5,250 which, according to Plaintiffs, represent 14 attorney
12 hours at \$375 per hour. Dkt. #45 at 5. Plaintiffs propose that \$3,000 of this amount be
13 provided to them and \$2,250 to the Maricopa County Volunteer Lawyers Program (VLP).
14 *Id.* at 6. Because Plaintiffs' motion does not comply with Local Rule 54.2, the Court's
15 ability to evaluate the reasonableness of the fee request is impaired. The Court therefore will
16 award Plaintiffs one-half of the requested attorneys' fees – \$2,625. The Court will leave to
17 Plaintiffs whether they wish to donate funds to VLP.

18 **IT IS ORDERED:**

19 1. Plaintiffs' motion for attorneys' fees (Dkt. #45) is **granted** in the amount of
20 \$2,625. Defendant shall pay this amount to Plaintiffs on or before
21 November 20, 2009.

22 2. Defendants' motion to strike (Dkt. #48) is **denied** as moot.

23 DATED this 5th day of November, 2009.

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David G. Campbell
United States District Judge
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